



Advocates for Workplace Fairness

October 31, 2022

**Via CM/ECF**

The Honorable Laura T. Swain  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: *Sinclair v. Mike Bloomberg 2020, Inc.*, No. 20 Civ. 4528 (LTS) (GWG)

Dear Chief Judge Swain,

We represent Plaintiff in this matter. Pursuant to the Parties' Confidentiality Agreement and Protective Order (ECF No. 40) and the Court's Individual Practice A.5.b.ii, portions of Plaintiff's Motion for Class Certification, ECF No. 60, and accompanying exhibits, ECF No. 61-10 through 61-16, were filed with redactions and/or under seal. Specifically, Plaintiff filed the following exhibits under seal:

- Ex. 10 (MB2020\_Sinclair\_00009091)
- Ex. 11 (MB2020\_Sinclair\_00009099)
- Ex. 12 (MB2020\_Sinclair\_00012378)
- Ex. 13 (MB2020\_Sinclair\_00012380)
- Ex. 14 (MB2020\_Sinclair\_00013449)
- Ex. 15 (MB2020\_Sinclair\_00015401)
- Ex. 16 (MB2020\_Sinclair\_00015832)

These exhibits were filed under seal because Defendant designated them as "confidential." There are additionally redactions in Plaintiff's publicly-filed memorandum of law, in instances where these documents were quoted or described. In light of the strong presumption of public access to court-filed materials, and because Defendant ceased operations two-and-a-half years ago, Plaintiff does not believe that the redacted materials meet the standard for sealing.

Plaintiff sought to meet and confer with Defendant prior to the filing of this motion; however, as of the time of this filing, Defendant has not yet responded as to whether it will maintain confidentiality for these exhibits. If Defendant files a motion with this Court seeking to retain these exhibits under seal, Plaintiff respectfully requests the opportunity to respond.

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Respectfully submitted,



Justin M. Swartz

cc: All Counsel of Record (via ECF)

In light of Defendant's response (docket entry no. 67), the request to seal is granted as to the proposed redactions of personally identifiable information included in docket entry no. 68-1 and is otherwise denied. Plaintiff is hereby directed to file a redacted version of the exhibit at issue (docket entry no. 61-13) on the public docket and a non-redacted version under seal. The remainder of the materials filed in support of Plaintiff's motion for class certification shall be refiled on the public docket without redactions. Dkt. no. 62 resolved. SO ORDERED.

11/4/2022

/s/ Laura Taylor Swain, Chief USDJ